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Senators berate Reagan's government secrecy order

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Two senior Senators—one Republican and one Democrat—sharply criticized the Reagan Administration's program to prevent unauthorized release of classified information.

One of the Senators, Republican Charles Mathias, Jr., of Maryland, called on the Administration to delay implementation of the program so Congress can have more time to study it.

The other outspoken Senator, Democrat Thomas Eagleton of Missouri, says the Administration's plan "strikes at the heart of the ability of the public to be informed."

Both legislators spoke out (Sept. 13) at a hearing of the Senate Committee on Governmental Affairs. The committee was looking into White House and Justice Department directives (E&P, Sept. 10) that would, among other things, require present and former federal employees with high-level security clearance to get advance approval for publication of any material that is classified or classifiable on national security grounds.

After the hearing, Mathias commented, "Most countries that have censorship just slip into it gradually, and this is what we have to watch out for here."

The committee called as major witnesses three present government officials, who generally favored the Administration plans; and three former officials, who generally opposed it. In addition, the Society of Professional Journalists, Sigma Delta Chi submitted a scathing written statement.

The organization asked the committee to hold further hearings so an SPJ, SDX spokesman could testify orally on what it called the Administration's "Draconian measures."

"A former or present official who became a political candidate would have to have many of his speeches cleared by his successors," SPJ, SDX said. "A former official who wanted to become a journalist or commentator would have to have many of his writ-

ings cleared by the very people about whom he wished to comment. The same holds true for government officials who go into teaching."

Alternatives proposed

As alternatives, SPJ, SDX urged:

- Reliance on existing criminal statutes to prohibit disclosure of classified information.

- If the Administration persists in requiring government employees to sign contracts to turn over to the government any profits they make from unauthorized disclosures of classified material, such civil damages should be assessed only upon a showing that the disclosed information impaired national security.

- Consideration of a brief statute of limitations, after which former employees would not be required to submit their writings for prepublication review.

"These Reagan Administration proposals are, at best, ill-conceived attempts to dispel a problem that is being overblown and miscast," said SPJ, SDX. "The Administration has not provided sufficient justification to lay waste to the free speech principles upon which this country was founded. These proposals beg for oblivion."

"We urge the Administration to withdraw them, and, if not, we urge Congress to consider legislation that deals with the true problem at hand."

Aside from Mathias and Eagleton, the hearing was attended by Democratic Sens. Carl Levin of Michigan and Jeff Bingaman of New Mexico. Both addressed hostile questions to witnesses advocating the Administration plan.

The chief advocate was Richard E. Williard, deputy attorney general in the Justice Department's Civil Rights division. He noted that the Supreme Court had upheld the government's taking over royalties earned by a former Central Intelligence Agency employee, Frank Snepp, who published unauthorized material in a book.

Defense and State Department representatives also spoke approvingly of the restrictions, but State's Willard A. De Pree acknowledged an anomaly. He said State had to keep diplomatic sec-

rets but it also had to disclose certain classified information, especially through the media, to explain the rationale for United States foreign policy.

Lloyd Cutler, who served as counselor to President Carter, said some type of prepublication review was desirable, but applying the Sneff decision to everyone with classified information was going too far. He said a distinction should be made between the disclosure rights of people who generate classified material and those who receive it—notably policy-making officials. This helped provide a discussion of whether it would be permissible for a top official to say, for instance, that the United States had the technical ability to monitor an arms limitation agreement with the Soviet Union. Such a conclusion, of course, would be based on classified information, and the statement itself would surely disclose the existence of such material.

Adm. Noel Gayler, former director of the National Security Agency, also said the administration's directives were "too broad—we should use the rifle instead of the shotgun."

William E. Colby, former director of the CIA, testified: "While a sharply limited prepublication review can certainly be justified in the absence of any better way of protecting against unauthorized disclosure, I suggest a clear criminal sanction . . . drawn (so it) would not have too broad an impact but would have the main function of deterring some of the more outrageous leaks and disclosures that go on in our government."